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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,499	01/27/2004	Charles Francis Wood		5791

7590 08/10/2005  
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RR 5  
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CANADA

EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,499	<b>Applicant(s)</b> WOOD, CHARLES FRANCIS	
	<b>Examiner</b> Tan Le	<b>Art Unit</b> 3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*A*

### **DETAILED ACTION**

1. This is the first office action for Application No. 10/765,499. This action is in reply to Applicant's election filed 7/23/05. Currently this application contains 17 claims numbered 1-17.
2. Applicant's election without traverse of species of Figures 1, 4 and 5, claims 1-3, 5, 7, 9, 11 and 16-17 in the reply filed on 7/23/05 is acknowledged.
3. Applicant proposes claims 1-3, 5, 7, 9, 11 and 16-17 that is readable to the elected species. However, claims 5, 7, 9 and 11 are not readable to the species as elected. Claims 5, 7, 9 and 11 under the disclosure are readable to the Figures 6-7, 7 and 3, respectively. Claim 11 depends on claim 9, which also reads on Fig. 3.
4. Currently claims 1-3 and 16-17 are readable to the species elected. An examination follows:
5. Claims 4-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Specification:***

6. The disclosure is objected to because of the following informalities: The following typographical errors that appear to be mistyping or spelling that needs to be correct: line 2 and last line of page 3; last two lines of page 4; last two lines of page 5, first line of page 6; last three lines of page 6; second line of page 7; last line of page 7;

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second line of page 8; first line of page 8; and first line of page 10, etc. Appropriate correction is required.

### **Abstract**

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. The language of the abstract should not be the same language a claimed.

Claim 17, line 1, "th" should be changed to -- The --.

### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the vertical axis" in 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the bottom" in 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No 3,927,863 to Polsky.

Claims 1-3 and 16-17 reads on to Jackson as follows: Polsky teaches a post member comprising an inner tube (13); an outer tube (12) slidably received within the outer tube, at least one of the inner tube and the outer tube being rotatable relative to the other; coarse adjustment means having a rotatable collar (10) located at one end of the outer tube; and an affixing means (24 for example) for affixing the collar to the inner tube; and a fine adjustment means (10 at bottom) at one end of the post member comprising a threaded cylinder and a threaded receiver, wherein a selected of the threaded cylinder and threaded receiver is integral with a selected one of the outer and inner tubes, whereby rotation of the selected one of the outer tubes effects the fine adjustment.

As to claims 2-3, Jackson also teaches the adjustment means being located coaxially with a vertical axis of the inner and outer tubes and being located at a bottom of the post.

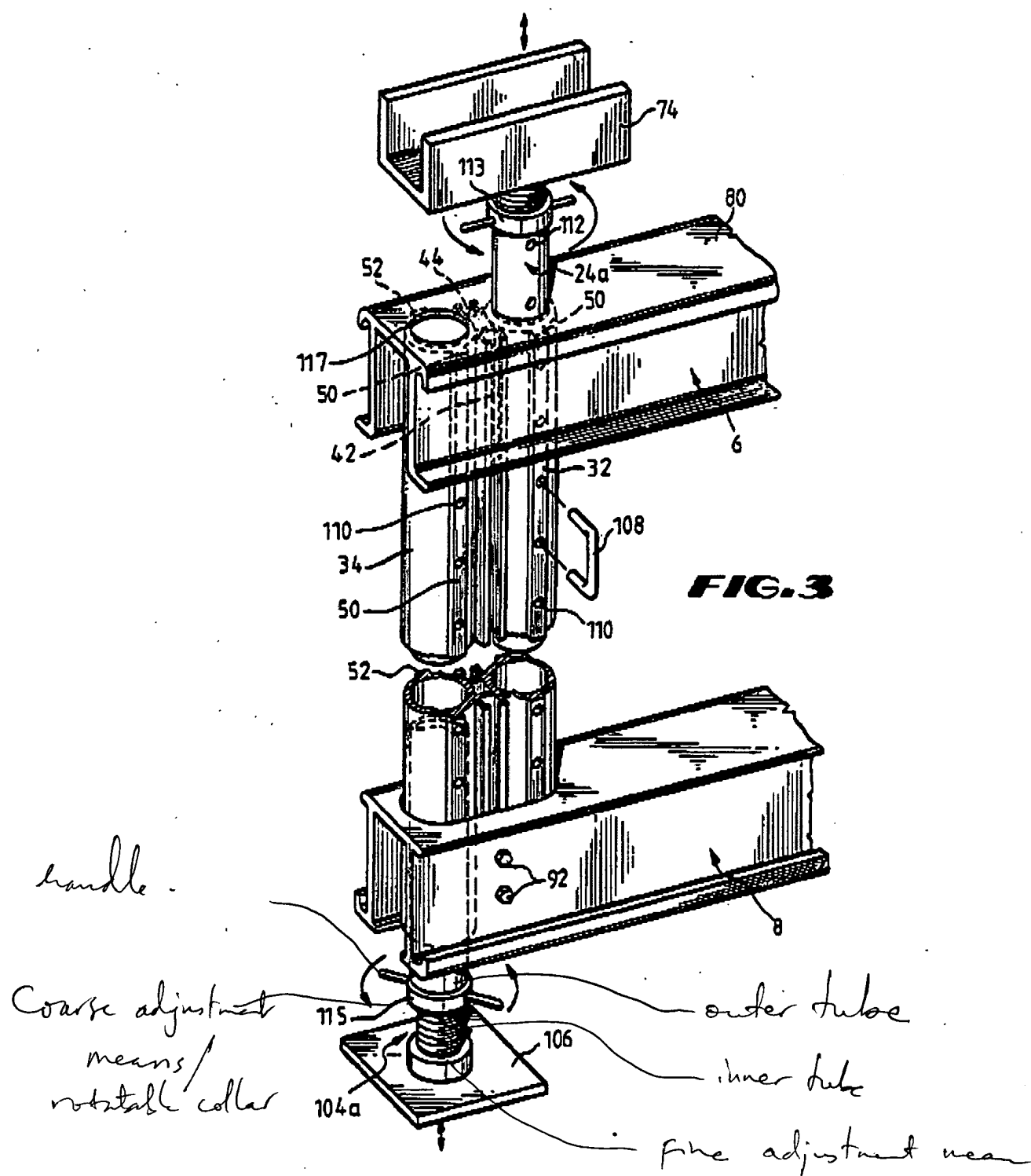
As to claims 16-17, Johnston also teaches a collar including a handle (40) wherein the handle includes a hole.

Claims 1-3 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,926,593 to Johnston.

Claims 1-3 and 16 read on to Johnston as follows: Johnston teaches a post member (10), Fig. 3 or Fig. 4) comprising an inner tube (see marked-up copy); an outer tube slidably received within the outer tube, at least one of the inner tube and the outer tube being rotatable relative to the other; coarse adjustment means having a rotatable collar located at one end of the outer tube; and an affixing means for affixing the collar to the inner tube; and a fine adjustment means at one end of the post member comprising a threaded cylinder and a threaded receiver, wherein a selected of the threaded cylinder and threaded receiver is integral with a selected one of the outer and inner tubes, whereby rotation of the selected one of the outer tubes effects the fine adjustment.

As to claims 2-3, Johnston also teaches the adjustment means being located coaxially with a vertical axis of the inner and outer tubes and being located at a bottom of the post.

As to claim 16, Johnston also teaches a collar including a handle.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,059,258 to Jackson

5,590,863 to Sasaki

6,776,383 to Lanka

5,031,724 to Quinn

6,256,939 to Snyder

6,539,677 to Lanka

6,612,533 to Biles et al.

6,442,906 to Hwang

6,152,424 to Lapat

The above patents disclose various types of adjustable posts/columns with locking pins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
August 2, 2005



ANITA KING  
PRIMARY EXAMINER